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MEMORANDUM

To: House Committee on Vision 2020

From: Renae Jefferies, Assistant Revisor

Date: March 16, 2016

Subject:: House Bill No. 2735

HB 2735 concerns manufacturers' warranties, specifically what happens if the consumer fails to file the registration card or form with the manufacturer.

Section 1, (a)(1) states that every manufacturer, distributor or retailer making express warranties shall set out those warranties in simple and readily understood language and that the card or form to be completed shall contain statements, each displayed in a clear and conspicuous manner that: (A) Informs the consumer that the card or form is for product registration; and (B) informs the consumer that failure to complete and return the card or form does not diminish such consumer's warranty rights.

Paragraph (2)(A) requires every work order or repair invoice for warranty repairs to conspicuously incorporate in 10-point boldface type, on the face of the work order or repair invoice or on the reverse side the statement: "A buyer of this product in Kansas has the right to have this product serviced or repaired during the warranty period. The warranty period will be extended for the number of whole days that the product has been out of the buyer's hands for warranty repairs. If a defect exists within the warranty period, the warranty will not expire until the defect has been fixed. The warranty period will also be extended if the warranty repairs have not been performed due to delays caused by circumstances beyond the control of the buyer, or if the warranty repairs did not remedy the defect and the buyer notifies the manufacturer of seller of the failure of the repairs within 60 days after they were completed. If after a reasonable number of attempts, the defect has not been fixed, the buyer may return this product for a replacement or a refund subject, in either case, to deduction of a reasonable charge for usage. This time extension does not affect the protections or remedies the buyer has under other laws."

Additionally, the act provides that no warranty or product registration card, form or an electronic online warranty or product registration form may be labeled as a warranty registration or a warranty confirmation.

At the time of the sale, the manufacturer, distributor or retailer making express warranties and who elects to maintain service and repair facilities within the state, shall provide one or more of the following:

1. Provide the buyer with the name and address of each service and repair facility within the state.
2. Provide the buyer with the name, address and telephone number of a service and repair facility central directory within this state or the toll-free telephone number of a service and repair facility central directory outside this state.
3. Maintain at the premises of retail sellers of the warrantor's consumer goods a current listing of the warrantor's authorized service and repair facilities, or retain sellers to whom the consumer goods are to be returned for service and repair within this state, whichever is applicable.

This section does not apply to warranty and product registration forms or cards printed prior to January 1, 2017, and shipped or included with the product in the stream of commerce prior to January 1, 2017.

If enacted the act would become part of and supplemental to the Kansas Consumer Protection Act and would take effect and be in force from and after January 1, 2017, and its publication in the statute book.